

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TINA MICHELLE BRAUNSTEIN,

Plaintiff,

-against-

SAHARA PLAZA, LLC and THE PLAZA  
HOTEL, a FAIRMONT MANAGED HOTEL,

Defendants.

Civil Case No. 1:16-cv-08879 (VSB)

(Electronically Filed Document)

**~~PROPOSED~~ ORDER TO AMEND  
CAPTION AND CLERK'S JUDGMENT**

WHEREAS, on November 15, 2016, Plaintiff filed a Complaint (ECF #1) naming "SAHARA PLAZA, LLC and THE PLAZA HOTEL, a FAIRMONT MANAGED HOTEL," as the Defendants; and

WHEREAS, "THE PLAZA HOTEL, a FAIRMONT MANAGED HOTEL" is a trade name, not a legal entity; and

WHEREAS, Sahara Plaza, LLC is a Delaware limited liability company that, at all relevant times, owned The Plaza, a building that houses hotel rooms, retail establishments, and condominium properties; and

WHEREAS, Fairmont Hotels & Resorts (Maryland) LLC is a Delaware limited liability company that, at all relevant times, managed The Plaza; and

WHEREAS, Plaintiff, in numbered paragraph 10 of the Complaint, alleged, "Upon information and belief, at all times hereinafter mentioned, Defendant Plaza was and still is a domestic corporation residing in the State of New York, and incorporated in the State of New York and registered with the New York Secretary of State."

WHEREAS, on February 8, 2017, Defendants filed their Answer to the Complaint (ECF #8), advising Plaintiff's counsel and the Court, in the opening paragraph thereof, that the correct names of the Defendants were Sahara Plaza, LLC and Fairmont Hotels & Resorts (Maryland) LLC; and

WHEREAS, Defendants, in numbered paragraph 10 of their Answer, denied "the allegations contained in paragraph 10 of the Complaint, but admit[ted] that Fairmont Hotels & Resorts (Maryland) LLC is a limited liability company formed under the laws of the State of Maryland; and

WHEREAS, on February 8, 2017, Defendants filed their Corporate Disclosure Statement pursuant to Fed. R. Civ. P. 7.1 (ECF #7), advising Plaintiff's counsel and the Court, in the opening paragraph thereof, that the correct names of the Defendants were Sahara Plaza, LLC and Fairmont Hotels & Resorts (Maryland) LLC; and

WHEREAS, on March 14, 2028, Defendants filed their motion for summary judgment; and stated, in its Notice of Motion (ECF #34), above the signatory line, that the motion was filed on behalf of Defendants Sahara Plaza, LLC and Fairmont Hotels & Resorts (Maryland) LLC; and

WHEREAS, Defendants' L. Civ. R. 56.1 Statement of Undisputed Material Facts (ECF #36), submitted with Defendants' summary judgment motion papers, stated, in the opening paragraph thereof, that the correct names of the Defendants were Sahara Plaza, LLC and Fairmont Hotels & Resorts (Maryland) LLC; and

WHEREAS, Plaintiff, in her Response to Defendant's statement of undisputed material facts (ECF #46), did not dispute that the correct names of the Defendants were Sahara Plaza, LLC and Fairmont Hotels & Resorts (Maryland) LLC; and

WHEREAS, on June 28, 2021, the Court issued an Opinion and Order (ECF #58) granting Defendants' motion for summary judgment and directing the Clerk of the Court to enter judgment for Defendants; and

WHEREAS, on June 29, 2021, the Clerk of the Court entered Judgment in favor of "Sahara Plaza, LLC, The Plaza Hotel" (ECF #59); and

WHEREAS, on August 20, 2021, Plaintiff filed a Notice of Appeal (ECF #64) with the United States Court of Appeals for the Second Circuit from the Clerk's Judgment; and

WHEREAS, the caption of this action and the Clerk's Judgment have not been corrected to reflect that the correct legal name of the second Defendant is Fairmont Hotels & Resorts (Maryland) LLC and not "The Plaza Hotel, a Fairmont Managed Hotel"; and

WHEREAS, the Second Circuit clerk's office will only allow counsel for Defendants to enter an appearance in the Second Circuit as counsel for Fairmont Hotels & Resorts (Maryland) LLC in connection with Plaintiff's appeal, if the name of the second Defendant is corrected by the Clerk of the Court;

NOW THEREFORE, IT IS HEREBY ORDERED, that the caption of this action shall be amended to reflect that the correct names of the Defendants are Defendants Sahara Plaza, LLC and Fairmont Hotels & Resorts (Maryland) LLC; and

IT IS FURTHER ORDERED, that the Clerk of the Court shall issue a revised Judgment in favor of Defendants Sahara Plaza, LLC and Fairmont Hotels & Resorts (Maryland) LLC; and

. IT IS FURTHER ORDERED, that the caption shall now read as follows:

TINA MICHELLE BRAUNSTEIN,

Plaintiff,

-against-

SAHARA PLAZA, LLC and FAIRMONT  
HOTELS & RESORTS (MARYLAND) LLC,

Defendants.

SO ORDERED:

Dated: September 28, 2021

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

Hon. Vernon S. Broderick  
United States District Court